

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
August 12, 2004

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Rose Glover and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
David A. Holec, City Attorney
Patricia A. Sugg, Deputy City Clerk

APPROVAL OF AGENDA

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to add to the closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mayor Parrott recognized the J. H. Rose High School Baseball Team and coaches and presented them with certificates from the City of Greenville.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Citizens Advisory Commission on Cable Television

Mayor Pro-Tem Miller requested to continue the appointments for the Citizens Advisory Commission on Cable Television until December 2004.

Community Appearance Commission

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to appoint Jeffrey Marshall for a first three-year term expiring July 2007 replacing Mary Stoneham who requested not to be reappointed and to appoint Paul Anderson for a first three-year term expiring July 2007 replacing James Wilson, who is ineligible for reappointment. Motion carried unanimously.

Greenville Utilities Commission

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to appoint Lester Zeno Brown for a first three-year term commencing September 1, 2004 and expiring June 30, 2007 replacing Clifton Hickman, who is ineligible for reappointment and to reappoint J. Bryant Kittrell and Erma Taylor for second three-year terms expiring June 30, 2007. Motion carried unanimously.

Planning and Zoning Commission

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to elevate Tim Randall from Alternate #2 to a regular member to fill an unexpired term expiring May 31, 2006 replacing Mark Hayes, who did not meet the attendance requirements and to appoint Dave Gordon as a regular member to fill an unexpired term expiring May 31, 2006 replacing William Peery, who did not meet the attendance requirements. Motion carried unanimously.

Council Member Craft requested to continue the replacement for Jerry Taylor until September 2004.

ORDINANCE REZONING CLARK LAND CO., LLC (FORMERLY ALMA LEE PARAMORE HEIRS) PROPERTY LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF FIRE TOWER ROAD, WEST OF SHEFFIELD SUBDIVISION, AND EAST OF THE INTERSECTION OF EVANS STREET AND FIRE TOWER ROAD AS FOLLOWS: TRACT 5 FROM RA20 TO R9S; TRACT 2 FROM RA20 TO R6A AND TRACT 3 FROM RA20 TO O, INCLUDING CONSERVATION AREA (CA) OVERLAY DISTRICT ON THE EASTERN PORTION OF TRACT 5 - ADOPTED

City Manager Marvin Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and August 9, 2004 setting this time, date and place for a public hearing to consider a request by Clark Land Co., LLC – formerly Alma Lee Paramore Heirs. At its June 15, 2004 meeting, the Planning and Zoning Commission voted to recommend denial of the request.

City Manager Davis passed out the following letter received by his office asking to amend the rezoning request.

“COPY”

August 12, 2004

Honorable Robert D. Parrott
Mayor, City of Greenville
PO Box 7207
Greenville, NC 27835-7207

Re: Consideration of an ordinance (requested by Clark Land Co., LLC - formerly Alma Lee Paramore Heirs) to rezone 37.4952 acres located along the northern right-of-way of Fire Tower Road, west of Sheffield Subdivision, and 1,400+/- feet east of the intersection of Evans Street and Fire Tower Road as follows: Tract 2, consisting of 32.0038 acres, from RA20 (Residential-Agricultural) to R6A (Residential [Medium Density Multi-Family]) and Tract 3, consisting of 5.4914 acres, from RA 20 (Residential-Agricultural) to O (Office), and to include a conservation area (CA) overlay district on the eastern portion of Tract 5

Dear Mayor Parrott:

In an effort to allay concerns of neighbors, my client has agreed to authorize me to modify our request for a rezoning as hereinabove described to a request for the following: Tract 5 consisting of 15.1749 acres from RA20 (Residential-Agricultural) to R9S; Tract 2 consisting of 16.829 acres from RA20 (Residential-Agricultural) to R6A (Residential [Medium Density Multi-Family]), and Tract 3 consisting of 5.4914 acres from RA20 (Residential-Agricultural) to O (Office), and to include a conservation area (CA) overlay district on the eastern portion of Tract 5.

It is our desire that this rezoning request as modified be heard tonight by the City Council at its regularly scheduled meeting at 7:00 p.m. Please do not hesitate to call me if you have any questions.

Sincerely,

DIXON, DOUB, CONNER & FOSTER, PLLC

Phillip R. Dixon

“COPY”

Mr. Harry Hamilton, City Planner, delineated the original proposed property on a map and explained that the original request was for office zoning adjacent to Fire Tower Road with R6A extending north parallel to Fork Swamp Canal to within 150 feet of White Oak Creek Subdivision. This portion of the property was being reserved as a conservation overlay R6A and the area would count for density but construction of buildings, parking, streets and so forth would not be allowed in the area. This was the original request.

The amended request still includes the office area along Fire Tower Road, and the area immediately north of Fire Tower Road would remain zoned R6A. The owners are requesting that the 15-acre area north, which is the closest area adjacent to White Oak Creek Subdivision, be amended to R9S. The conservation area overlay is still in place, and no construction is allowed within that area. There is approximately a 15-acre reduction in the total R6A area. The original combined tracts would yield approximately 240 multi-family units, and the reduced area would yield approximately 130 at maximum density. There is a substantial decrease in acreage as well as in the total number of units. The previous request was approximately a 150-foot strip, basically a street and one row of lots, separating single family and White Oak Creek from the multi-family. The distance now proposed is approximately 380 feet; several rows of lots and a street pattern also separating White Oak Creek from the R6A.

Motion was made by Council Member Craft and seconded by Council Member Little to consider the amended request that has been submitted by Mr. Dixon on behalf of Mr. Clark. Motion carried unanimously.

Mr. Hamilton delineated the property on a map and stated that the future Land Use Plan Map recommends office, institutional and multi-family zoning along the northern right of way of Fire Tower Road transitioning into a medium-density zone with the conservation area being reserved on the eastern boundary. The proposed pattern falls within the recommended guidelines. The 15± acre area, which is to the east of Fork Swamp Canal, has been accepted by the City as a donation. The request as amended is in compliance with the Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Phil Dixon, representing Clark Land Co., LLC, formerly the Alma Lee Paramore Heirs, reminded Council that initially Mr. Clark sought and Council approved on April 8, 2004 a rezoning of property along Evans Street from RA20 to R9S, which was 46± acres of land. On May 13, 2004 Council again approved a second rezoning request of 15.2671 acres of land along Fire Tower Road from RA20 to R6A, and that paved the way for the Clarks to donate a piece of land to the City for a park. The Clarks are now seeking rezoning of the remaining land. The original request was also in compliance with the City's Comprehensive Plan and the Land Use Plan Map, but because the Clarks encountered opposition from some of the neighbors in the White Oak Creek Subdivision a decision was made to reduce the amount of multi-family sought by approximately one-half. The Clarks are very pleased with the response they have received to the new proposal. Mr. Dixon stated that it was clear that the amended request meets each and every requirement and deserves Council's support.

Shannon Jordan, a resident of the White Oak Creek Neighborhood, stated that originally she was going to come before the City Council in opposition to the 32+ acres of multi-family that encroached on White Oak Creek Subdivision. Because Mr. Clark is willing to amend the amount of acreage and the location of the acreage that encroached on White Oak Creek Neighborhood, she now approves the current plan as it stands.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Miller to adopt the ordinance rezoning 37.4952 acres located along the northern right-of-way of Fire Tower Road, west of Sheffield Subdivision, and 1,400± feet east of the intersection of Evans Street and Fire Tower Road as follows: Tract 5 consisting of 15.1749 acres from RA20 to R9S; Tract 2, consisting of 16.8289 acres from RA20 to R6A and Tract 3, consisting of 5.4914 acres, from RA20 to O, and to include a conservation area (CA) overlay district on the eastern portion of Tract 5. Motion carried unanimously. (Ordinance No. 04-86)

ORDINANCE REZONING JAMES S. AND WILLIAM A. KITTRELL PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF DICKINSON AVENUE AT THE INTERSECTION OF DICKINSON AVENUE AND SPRING FOREST ROAD, SOUTHWEST OF THE INTERSECTION OF ARLINGTON BOULEVARD AND DICKINSON AVENUE FROM RA20 TO OR - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and August 9, 2004 setting this time, date and place for a public hearing to consider a request by James S. and William A. Kittrell to rezone 24.570 acres located along the southern right-of-way of Dickinson Avenue at the intersection of Dickinson Avenue and Spring Forest Road, 930± feet southwest of the intersection of Arlington Boulevard and Dickinson Avenue, from RA20 to OR. The Planning and Zoning Commission voted to recommend approval of the request at its July 20, 2004 meeting.

Mr. Hamilton delineated the property on a map and stated that this is a request to rezone property located along the southern right-of-way of Dickinson Avenue at the intersection of Dickinson Avenue and Spring Forest Road, southwest of the intersection of Arlington Boulevard and Dickinson Avenue. The property contains 24.570 acres. There are environmental areas associated with Reedy Branch, and it runs to the east. Staff anticipates that the property would yield approximately 300 multifamily units. The Land Use Plan Map recommends high-density residential development extending down to the creek from Arlington Boulevard to the entrance of Lake Ellsworth Subdivision. The request is in compliance with the Land Use Plan Map.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Steve Janowski with Baldwin and Associates spoke on behalf of the landowners. Mr. Janowski stated that the project is in compliance with the Comprehensive Plan and the five criteria used for rezoning requests.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance rezoning 24.570 acres located along the southern right-of-way of Dickinson Avenue at the intersection of Dickinson Avenue and Spring Forest Road, 930± feet southwest of the intersection of Arlington Boulevard and Dickinson Avenue, from RA20 to OR. Motion carried unanimously. (Ordinance No. 04-87)

ORDINANCE REZONING 43 LAND HOLDINGS, LLC PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF CHARLES BOULEVARD (NC HIGHWAY 43), SOUTH OF HYDE DRIVE, AND NORTH OF TARA COURT, FROM RA20 TO OR - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and August 9, 2004 setting this time, date and place for a public hearing to consider a request by 43 Land Holdings, LLC to rezone 2.062 acres located along the western right-of-way of Charles Boulevard (NC Highway 43), 515+ feet south of Hyde Drive, and 660+ feet north of Tara Court, from RA20 to OR. At its July 20, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton delineated the property on a map and stated that 28 units would result from the addition of this property to a larger development on the combined sites. The entire area between Charles Boulevard and Arlington Boulevard south of the Breezewood and Hyde Park area to Covington Down, is all zoned currently for OR. There are two remaining tracts left. The Land Use Plan recommends the continuation of this zoning throughout the entire area. The request is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Durk Tyson with Rivers and Associates stated that he was present to answer any questions on behalf of the landowners.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Dunn to adopt the ordinance rezoning 2.062 acres located along the western right-of-way of Charles Boulevard (NC Highway 43), 515+ feet south of Hyde Drive, and 660+ feet north of Tara Court, from RA20 to OR. Motion carried unanimously. (Ordinance No. 04- 88)

ORDINANCE ANNEXING 43 LAND HOLDINGS, LLC PROPERTY BOUNDED ON THE EAST BY NC HIGHWAY 43, APPROXIMATELY 265 FEET SOUTH OF HYDE DRIVE - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing to consider a request by 43 Land Holdings, LLC to annex 23.069 acres bound on the east by NC Highway 43 and being approximately 265 feet south of Hyde Drive. This is a contiguous annexation.

Mr. Merrill Flood, Deputy Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and is proposed for 188 multi-family dwellings. The current population is 0, and the anticipated population at full development is 442, with 96 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the ordinance annexing 23.069 acres bound on the east by NC Highway 43 and being approximately 265 feet south of Hyde Drive. Motion carried unanimously. (Ordinance No. 04-89)

ORDINANCE ANNEXING COVENGTON GROUP, LTD PROPERTY, (COVENGTON DOWNE, BLOCK C, LOT 2) LOCATED ON NORTH SIDE OF NCSR 1708 (EAST FIRE TOWER ROAD), AND ON WEST SIDE OF TENNYSON DRIVE - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing to consider a request by the Covengton Group, LTD to annex Covengton Downe, Block C, Lot 2, involving 1.041 acres located on the north side of NCSR 1708 (East Fire Tower Road) and on the west side of Tennyson Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and is proposed for an 18,000 square foot commercial building. The current and anticipated population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Little to adopt the ordinance annexing Covengton Downe, Block C, Lot 2, involving 1.041 acres located on the north side of NCSR 1708 (East Fire Tower Road) and on the west side of Tennyson Drive. Motion carried unanimously. (Ordinance No. 04-90)

ORDINANCE ANNEXING BILL CLARK HOMES OF GREENVILLE, LLC PROPERTY, LANGSTON FARMS, PHASE 4, LOCATED ON NORTH SIDE OF NCSR 1134 (THOMAS LANGSTON ROAD) AND EAST OF STILLWOOD DRIVE - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing to consider a request by Bill Clark Homes of Greenville, LLC to annex Langston Farms, Phase 4, involving 7.9859 acres located on the north side of NCSR 1134 (Thomas Langston Road) and east of Stillwood Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is for 18 single-family dwellings. The current population is 0, and the anticipated population at full development is 42, with 14 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Glover to adopt the ordinance annexing Langston Farms, Phase 4, involving 7.9859 acres located on the north

side of NCSR 1134 (Thomas Langston Road) and east of Stillwood Drive. Motion carried unanimously. (Ordinance No. 04-91)

ORDINANCE ANNEXING JONATHAN R. DAY, TERRY L. DAY, AND CARROLL & ASSOCIATES PROPERTY (NORTH CAMPUS CROSSING – WINSLOW WEST) LOCATED ON NORTH SIDE OF NC HIGHWAY 33 (PACTOLUS HIGHWAY), EAST AND SOUTH SIDES OF NCSR 1523 (WHICHARD ROAD), AND ON WEST SIDE OF US 264 BYPASS (GREENVILLE BOULEVARD NE) - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing to consider a request by Jonathan R. Day, Terry L. Day, and Carroll & Associates to annex North Campus Crossing – Winslow West, involving 23.6588 acres located on the north side of NC Highway 33 (Pactolus Highway), on the east and south sides of NCSR 1523 (Whichard Road), and on the west side of US 264 Bypass (Greenville Boulevard NE). This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and is proposed for 400,000 square foot retail space. The current and anticipated population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance annexing North Campus Crossing – Winslow West, involving 23.6588 acres located on the north side of NC Highway 33 (Pactolus Highway), on the east and south sides of NCSR 1523 (Whichard Road), and on the west side of US 264 Bypass (Greenville Boulevard NE). Motion carried unanimously. (Ordinance No. 04-92)

ORDINANCE ANNEXING PHILIPPI CHURCH OF CHRIST PROPERTY LOCATED ON NORTH SIDE OF NC HIGHWAY 33 (PACTOLUS HIGHWAY), WEST OF NCSR 1530 (MUMFORD ROAD) - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing to consider a request by Philippi Church of Christ to annex 20.356 acres located on the north side of NC Highway 33 (Pactolus Highway) approximately 374 feet west of NCSR 1530 (Mumford Road). This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and its intended use is for a church. The current and anticipated population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance annexing 20.356 acres located on the north side of NC Highway 33 (Pactolus Highway) approximately 374 feet west of NCSR 1530 (Mumford Road). Motion carried unanimously. (Ordinance No. 04-93)

ORDINANCE REQUESTED BY RALPH C. TUCKER, JR. – KEN MALPASS, AGENT, AMENDING CG DISTRICT TABLE OF USES TO INCLUDE USE ENTITLED “AUTOMOBILE, TRUCK, RECREATIONAL VEHICLE, MOTORCYCLE AND BOAT SALES AND SERVICE (SEE ALSO MAJOR AND MINOR REPAIR)” AS A SPECIAL USE - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and 9, 2004 setting this time, date and place for a public hearing to consider a request by Ralph C. Tucker, Jr. – Ken Malpass, Agent to amend the CG district table of uses to include the use entitled “Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)” as a special use. At its June 15, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton stated that currently auto sales is a permitted use within the CDF, which is the downtown commercial fringe and the heavy commercial districts. Auto sales is currently categorized as a class 4 use for intensity definition on a scale of 1 to 5. Mr. Hamilton stated that class 4 is a fairly intensive use for screening purposes when located adjacent to single family. Typically establishments within general commercial are in the 3 to 4 range. The request is within the range of typical uses for a general commercial zone. Classification 5 uses are specifically restricted to heavy commercial and industrial. Major and minor repair is a typical aspect of automobile sales lots. There are very few automobile lots that do not have some type of repair business. Any car lot that has a service department will require special use permit approval. Mr. Hamilton explained that within the last several years City Council has adopted three automobile related amendments to the zoning table of uses specifically to the General Commercial table. In 1997 a major repair was allowed as a special use permit in General Commercial. In 2000, the table was amended to include rental of automobiles as a special use. In 2003, the table was amended to include automobile wash as a permitted use in the General Commercial district. The General Commercial zone now contains the entire range of auto related type uses with the exception of automobile sales and the other uses are very similar in characteristics. Staff would have no objection to this use as a special use and would require a Board of Adjustment approval on a case-by-case, site-specific basis each and every time.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance amending the CG district table of uses to include the use entitled “Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)” as a special use. Motion carried unanimously. (Ordinance No. 04-94)

ORDINANCE REQUESTED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT (AS INITIATED AND DIRECTED BY CITY COUNCIL), AMENDING RESIDENTIAL ACCESSORY ZONING REGULATIONS TO INCLUDE DEFINITION FOR "SPORTS RAMP", ASSOCIATED MAXIMUM DIMENSIONAL STANDARDS, AND AMORTIZATION (REMOVAL) REQUIREMENT FOR NONCONFORMING SPORTS RAMPS - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and 9, 2004 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department, as initiated and directed by City Council, to amend the residential accessory zoning regulations to include a definition for "sports ramp", associated maximum dimensional standards, and an amortization (removal) requirement for nonconforming sports ramps. At its July 20, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of adoption of Option 4.

Mr. Hamilton stated that the "sports ramp" process began in mid-Spring and involved four extensive public debates at the Planning and Zoning Commission to discuss this issue. Representatives of Tuckahoe Neighborhood and the bike riders' representatives have maintained ongoing contact with City staff and with each other to develop substitute proposals. The substitute proposals were submitted to the Planning and Zoning Commission on July 20, 2004. At the outset of this process, the Planning and Zoning Commission requested staff to send letters to the property owners in proximity to the Tuckahoe ramp, which is the large ramp that was constructed in the Tuckahoe neighborhood that initiated this process. 78 letters were mailed in May 2004. Staff received 30 responses in addition to some e-mail correspondence, which were included in City Council's Notes to Council. Also included in Notes to Council was a petition submitted by the bike riders against limiting ramps. Currently there are no specific standards regarding ramp construction in Greenville. Sports ramps are only subject to accessory building standards, which are the same standards that apply to garages, carports, accessory buildings, pools and so forth. Some standards that apply to all accessory structures and will apply to sports ramps are (1) they are not allowed in a front or side yard; (2) they must be separated from the dwelling either 5 or 10 feet if not a fire-rated constructed structure; (3) if they are 15 feet or less in height there is a 5-foot setback from the rear property line otherwise 15-foot to 20-foot setback depending on zone; and (4) under no circumstances can a ramp be higher than the dwelling. All buildings, accessory structures, and primary principal structures cannot cover more than 40 percent of a lot. The Tuckahoe ramp is well within the 40 percent requirement. The bike riders have provided a list of 18 backyard ramps in and near Greenville and the sizes vary from 108 to 5200 square feet and range in height from 4 to 18 feet. The Tuckahoe ramp has over 2,000 square feet of elevated riding surface. Of the 6 large ramps, all over 2,000 square feet, only the Tuckahoe Ramp is within Greenville's jurisdiction. The other ramps are currently located in the Simpson area or out in the County. A number of North Carolina cities were contacted by City staff to find out how they regulated sports ramps, and 11 cities responded to the survey. 9 cities regulate ramps in the same manner as Greenville. Ramps have not been a big problem in other areas. Greenville is a little unique because of the large population of professional bike riders and amateur enthusiasts that reside here. The only city that regulates ramps a little bit differently from Greenville, who regulates it as an accessory building, is Gardner. Gardner has a 4-foot maximum height requirement, and that is a very limiting factor. Goldsboro regulates sports ramps just like any type of play equipment or swing sets. Chapel Hill requires a 5-acre minimum

lot size in a residential area, a 100-foot setback and a total screening requirement. Basically that would exclude ramps in an urban environment if a 5-acre lot were required.

Mr. Hamilton informed the Council that the Planning and Zoning Commission considered the following three options: (1) Original staff request, (2) Bike riders' proposal and (3) Tuckahoe neighborhood proposal. The Commission then decided on a fourth option. Mr. Hamilton stated that restrictions on ramps only apply in residential areas. They do not apply in any non-residential zone that allows commercial recreation within the district or within public parks. The issue that the City has with respect to ramps is a balance between private recreation interests on residential lots in neighborhoods and preservation of neighborhood character and livability. Those are competing interests and are not equal. At all times, accessory uses and structures have to be considered incidental and subordinate to the primary principal use of the property and that is for residential purposes. At no time can an accessory activity create a nuisance or hazard in the neighborhood. Those are rules that are set out in the Zoning Regulations as the definition of what an accessory activity is or could be. The primary purpose of a neighborhood is residential occupancy and not recreation. Mr. Hamilton referred to the following Option Comparison Chart:

Option Comparison Chart

<u>Option</u>	<u>Area/Size</u>	<u>Height</u>	<u>Removal</u>
1	150 sq. ft.	10 ft.	1 year
2	1,000 sq. ft.	15/10 ft.*	5 years
3	500 sq. ft.	10 ft.	1 year
4	750 sq. ft.	12 ft.	2-½ year

*See Option 2 summary text noted above

Mr. Hamilton informed the Council that the chart explains the difference between the four options. Option 1, staff's original proposal, would allow a 150 square foot total elevated riding surface, 10-foot height, and a 1-year amortization removal requirement. Option 2, the bike riders' proposal, would allow for a 1,000 square foot riding surface, a 15-and 10-foot height requirement, 15-foot to the highest point including railings and the distance between the flat bottom area that would be elevated no more than 20 inches above grade to the highest point of the riding surface, no more than 10 feet in height, and a 5-year removal requirement on any non-conforming ramp. The Tuckahoe Neighborhood Representatives, who do not necessarily represent the views and opinions of everyone in Tuckahoe, have recommended Option 3, which would allow for a 500 square foot total elevated riding surface, 10-foot height from any flat bottom area that is elevated more than 6 inches above grade to the highest point including railings, and a 1-year removal requirement. The Planning and Zoning Commission recommended Option 4, which allows for a 750 square foot riding surface, 12-foot height, and a 2-½ year amortization. Mr. Hamilton explained that the reason staff recommended 150 square feet was because it was their opinion that if a ramp is limited to that size it will not constitute a nuisance or a hazard in the neighborhood.

Council Member Craft asked if originally City staff was under the impression that the ramp in Tuckahoe was going to be 1,600 square feet but it ended up being over 2,000 square feet.

Mr. Hamilton replied that when the diagrams were submitted to City staff, size was not an issue because there were no standards limiting the size. The main purpose of the diagram was to ensure that it met set-back standards from adjoining property boundaries. The dimension that was given to staff was less than what was ultimately constructed.

Council Member Craft asked if the City entered into an agreement regarding restrictions, landscaping, the use of the ramp and so forth.

Mr. Hamilton replied that because of the nature of what was happening and that it was something that was completely unusual, City staff asked Mr. Cooke to provide a list of attributes and conditions under which he intended to utilize the structure so that staff could ensure that it would meet the minimum requirements for an accessory activity. The agreement was not a legal agreement, but Mr. Cooke's intent to tell us what he was going to do. The City did not have any rules to specifically limit the size of the ramp.

Council Member Craft stated that he was not so much concerned about the size of the ramp, but the operation of the ramp and the landscaping of the ramp. Council Member Craft further stated that he thought one of the requirements was to put in trees that were 10 feet tall and that as he understands it, the top of the ramp is ten feet and the trees do not even come close to that point, and the top of the trees are dead.

Mr. Hamilton stated that staff would seek compliance from Mr. Cooke on the things that he had previously agreed to.

Council Member Dunn asked what the height was at the top of the ramp, the top of the hand railings.

Mr. Hamilton replied that he thought it was 18 feet. A structure over 15 feet would have to meet principal building setbacks.

Council Member Craft stated that he believed Mr. Cooke, the property owner, no longer lived at the residence but now rents the property to someone else. Council Member Craft further stated that Mr. Cooke was not present at this meeting and that he thought Mr. Cooke had not attended any of the Planning and Zoning meetings.

Mr. Hamilton stated that Mr. Cooke did attend two meetings and asked that the item be continued.

Council Member Craft stated no, Mr. Cooke came to one meeting and e-mailed that the other meeting be continued.

Mayor Pro-Tem Miller asked if he heard correctly that a survey was done by staff and there are approximately 18 ramps, but only one of the ramps is inside the City's jurisdiction.

Mr. Hamilton replied that the list was provided by the bike riders to staff. City Staff has not taken an inventory. Mr. Hamilton stated that there were more than 18 ramps of various sizes, most of them smaller.

Mayor Pro-Tem Miller asked if any other neighborhoods had expressed concern other than Tuckahoe Subdivision.

Mr. Hamilton replied that there have been concerns about sport ramps in Brook Valley.

Mayor Parrott asked if the City had the ramps removed at the end of amortization, who would pay for the cost.

City Attorney Dave Holec replied that when the amortization process is used the responsibility for the removal would be the property owner's expense and not the City. That is why a time frame is given for amortization, to give the owner an opportunity to remove and recoup any investment.

Mayor Parrott stated that the City approved the ramps to be built and now the City is going to charge the property owner to take them down. Mayor Parrott then asked if there was any way that the City would absorb the cost.

City Attorney Holec replied if City Council determines to go through the amortization process, the City would not be required to absorb the cost. There may be a possibility of a negotiation to require removal, but in that case it would probably be a very quick removal as opposed to a time frame. Amortization is to give time in order for the person to recoup some of the investment plus give a reasonable period of time.

Mayor Pro-Tem Miller stated that it was his understanding that Mr. Cooke did file an application before he began construction of the ramp.

Mr. Hamilton replied that a building permit technically is not required for this type of structure unless the structure includes an enclosed storage area. Staff was unaware that the ramp had an enclosed storage area until the pictures were received. Once this item is voted on, a building permit will be required. Mr. Hamilton stated that Mr. Cooke went out and started building the ramp, and he had the right to do that. When staff saw the size of the structure that was being built he was asked to come in and fill out a zoning compliance application so that staff could file it under an accessory activity category. That was a zoning compliance, not a building permit.

Mayor Pro-Tem Miller stated that he could not imagine that the City did not require some type of building permit and some type of inspection for any type of structure whether it is a building or not.

Mr. Hamilton replied that it may seem hard to believe, but pools, fences, and those types of structures are under the building code. Ramps are not, unless there is an enclosed storage area.

Mayor Pro-Tem Miller stated that he agreed with the Mayor that Mr. Cooke did not break any rules, and the City Council should consider at least sharing in the cost of removing or relocating the ramp.

Council Member Glover asked what the approximate cost would be to remove the ramp.

Mayor Pro-Tem Miller stated to move the ramp is one thing, but to take it down, it is probably not much.

Council Member Glover stated that she had problems with the City Council using taxpayers' money to remove the ramp.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Ms. Liz Johnson of 211 Tuckahoe Drive stated that she lived two houses down from the Tuckahoe ramp at 215 Tuckahoe Drive. Ms. Johnson requested the Council to adopt a policy that would protect the homeowners in Greenville from the unrestrained construction of sports facilities in their neighborhoods, limit the building of structures that are incompatible with residential accessory use, and support the concept that accessory structures must be incidental to the primary purpose of a resident. Ms. Johnson stated that she appreciated that 150 feet is small, but anything over 500 feet is too large of a ramp. She also felt the height should not exceed 10 feet above grade. Ms. Johnson further stated that if a 500-foot backyard ramp becomes inadequate the bike riders could take advantage of ramps in Jaycee Park. Ms. Johnson supported the one-year amortization limit stating that she had already lived beside the ramp for two years but from the standpoint of fairness she recognized that there are ramp owners in Greenville other than the owner at 215 Tuckahoe who may need to take corrective action as a result of Council's decision and 1 ½ years is reasonable, 2 years is too long, and 5 years would be unacceptable.

Mr. Will Johnson of 211 Tuckahoe Drive referred to the article in The Daily Reflector stating that the riders need 1,000 square feet to approximate the ramps that they will use in competition. Something large enough that these riders need to train on is entirely too large for residential neighborhoods. Mr. Johnson asked the Council when considering averages, to consider the average between the 150 and 500.

Ms. Nancy Spainhour of 400 Tuckahoe Drive stated that she lived directly across the street from the Tuckahoe ramp, and the presence of a sports ramp in Tuckahoe burdened the property in a manner uncommon to area properties. It is a detriment to neighbors and the surrounding community. Ms. Spainhour requested the City Council to consider the long-range future of the Tuckahoe neighborhood and other neighborhoods in the City when making their decision and that the Council vote in favor of the original amendment request, Option 1, as it was originally prepared by the Planning and Community Development Department.

Ms. Donna Smith of 402 Tuckahoe Drive stated that she lived directly in front of Mr. Cooke's bike ramp and was in support of Option 1. Ms. Smith further stated that the Tuckahoe ramp is a huge issue of neighborhood preservation not only for Tuckahoe but also for all neighborhoods in Greenville. At present there is the issue of size, location of various ramps, ramps that are already in existence and the amortization issue. The City has seen the sizes of sports ramps progress over the years from unobtrusive to gargantuan. This has happened due to a lack of explicit guidelines and as a result the Tuckahoe neighborhood hosts an enormous 18-foot plywood tower. Ms. Smith asked the Council when voting to establish new policy and guidelines and to take the time to consider the following: overall size limitations, ramp size in relation to lot size; setbacks; noise levels; screening materials; increased traffic; safety issues and the effect of such ramps on real estate value in the neighborhood environment. Ms. Smith further requested that the Council

not ask the neighborhoods to shoulder the financial burden of decreased real estate value and loss of serenity due to oversized practice ramps.

Ms. Debbie Hartsell of 408 Tuckahoe Drive stated that amendments are created to improve and make better a given situation by definition. The amendment to clearly define specific guidelines with qualifications for the construction of sports ramps on residential property is essential for continued growth and prosperity in Greenville. The amortization guidelines as presented by the Planning and Zoning Commission could best be met by mandating the removal of sports ramps not meeting the required specifications within 12 months of the date of the ordinance amendment approval. Most construction, whether residential or commercial, is completed well within a 12-month period. The age of the majority of the ramps in question were built longer than 12 months ago and are at least two years old. The size restrictions to be specifically adhered to with regard to the construction of future bike ramps should be proportionate according to the actual lot size as well as the size of the residential house. All parties involved are citizens of Greenville and hopefully desire the best for the City. An amicable agreement by means of an amendment to restrict sports ramps would certainly set a standard and resolve any future ambiguities.

Ms. Joann Koeler of 123 N. Harding Street stated that she felt sports ramps should not be permitted in any neighborhoods in Greenville. For more than 2 years she has had to live with noise and the additional people and vehicles that have come to their neighborhood because of a skateboard ramp that was built by renters in the backyard of 111 North Harding Street and was used daily. Ms. Koeler explained that when the skateboarders were on the ramp going back and forth, which happened several times a day, the noise was quite loud and very irritating so much so that she could no longer enjoy being in her yard and had to spend a lot more time inside her house. Ms. Koeler stated that fortunately the rental has changed owners, the ramp has been dismantled, and the renters have moved on, but still there is nothing to prevent another ramp from being built in the neighborhood. The BMX bikers have brought renown to Greenville, which is good for the City, and it is not that we do not want the BMX bike riders living in Greenville, but we really want our neighborhoods to be livable. Ms. Koeler suggested rather than allowing ramps to be built in neighborhood backyards, that the city work with bikers to develop another facility such as the one at Jaycee Park.

Ms. Barbara Mallory, a Greenville resident, speaking on behalf of her mother, a resident of the Tuckahoe Neighborhood, requested that the City Council consider Option 1. Ms. Mallory stated that Mr. Cooke bought the house at 215 Tuckahoe Drive and built a commercial ramp with the purpose of using the ramp as a commercial ramp. Ms. Mallory stated that she would not feel bad at all if Mr. Cooke had to pay the expense to remove the ramp because had he told the City the structure was permanent and had an enclosed area, then she believed a permit would have been required.

Ms. Maria Clay of 220 York Road stated that her sons T.J. and John had been building a sports ramp for over two years. Ms. Clay informed the Council that when their family previously lived in Westhaven Subdivision, her sons learned how to construct a ramp as a geometry project, and they got very good at learning applied geometry. There were no problems with the neighbors and her sons were good about the noise issue and were courteous to the neighbors. Ms. Clay stated that when their family moved to Brook Valley, she talked to all the neighbors regarding her sons' sports ramp and only one neighbor, whom Council has received a letter from, did not

like the ramp. Ms. Clay explained that her sons only use the ramp approximately an hour a day, maybe less. Many of the backyard ramps used by youngsters are not skated on for hours at a time. The children are in school and have other activities. Ms. Clay informed the Council that she called the City regarding the noise ordinance, because she did not want to be in violation and was assured that it was unlikely that her sons would be in violation of any noise ordinances. Ms. Clay asked the Council to carefully consider this issue and remember many of the ramps have other purposes than the one located in the Tuckahoe Subdivision.

Council Member Little asked what size was the bottom of the Clays' ramp.

Ms. Clay's son T.J. replied that he had a mini ramp that was very small compared to anything competitive or professional. The ramp is 24 feet long, 16 feet wide, and 3 ½ feet tall and is approximately 300 square feet, which is nothing compared to the ramp in the Tuckahoe neighborhood. The other ramp is 5 feet tall, 18 feet long, and 14 feet across. The ramps are not big and are encircled by trees.

Mr. Tim Drinnon of 215 Tuckahoe Drive stated that he rented the house from Allan Cooke and has been living there since December 2003, and a lot of what is being done is because of the ramp in his yard. Mr. Drinnon further stated that Council Member Craft had informed him at a previous meeting about agreements that were made with Mr. Cooke that he was unaware of. The ramp at 215 Tuckahoe Drive seems to be one localized problem and there is a lot more to it than just the size of the ramp; it almost seems to be a personal issue with Mr. Cooke who is no longer in the neighborhood. Mr. Drinnon asked if this was the correct way to fix a problem - blanketing Greenville with a coverage of rules and regulations for ramp sizes to fix one problem. There may be future problems that would be fixed as well, but at this point he felt that every rider in the room and every rider in the town understood that there is a valuable lesson from all this. Be careful where you build and how big you build. Mr. Drinnon reminded the Council that there are only a handful of people who would build a ramp of this size. Mr. Drinnon stated that it was obvious that the benefit of BMX riders in Greenville has been great. Approximately \$50,000 was spent in tax money last year from riders who own homes in Greenville. Mr. Drinnon informed the Council that the traffic issues were not what they may have been led to believe and there were not 6 to 12 cars in front of his house every day and probably only once a month would he have cars lined in front of his house. According to the Police Department, it is legal for cars to park on the street. Mr. Drinnon asked the Council to consider the 1,000 square foot option with a 5-year amortization. Mr. Drinnon reminded the Council that they are dealing with a \$25,000 lumber set up in a backyard, that the City said was okay to build, and now the Council is considering going back and changing that.

Mayor Parrott asked if the City built a professional ramp in one of the City Parks as a public-private type deal would it be adequate enough for the bikers. Would the ramp be used if it were not in the back yard but in a park?

Mr. Drinnon replied that adding another ramp somewhere in Greenville would be wonderful, but there is a personal freedom in that this is my backyard and within the law and the current bounds, I should be able to do what I want in my backyard.

Mayor Parrott stated that there was no doubt in his mind that the BMX bikers had brought renown to Greenville, which is good for the City. Mayor Parrott further stated that he did not think any of the neighbors were against the bikers in any way but that they all wanted to make sure that their neighborhoods are livable. There should be some solutions so that everyone can co-exist in this situation.

Mr. Ryan Nyquist, a professional BMX Rider, stated that 150 square feet is ridiculous. It would be unsafe for bikers to use that kind of ramp on a professional level as far as something to actually train on. The ramp is just too small. Mr. Nyquist stated that he had not seen the drawings of Allan Cooke's ramp but he could picture in his mind cutting off the top level and that would be fine. The bikers could ride that and probably use it just as well, but to go anything below 1,000 feet is small and for BMX riders to be able to ride at a level that we are at now would be dangerous. It would be great if the City had another park, but at the same time we need to address this issue because there needs to be a middle ground. 1,000 square feet is a perfect middle ground. Mr. Nyquist stated that he heard about the backyard noise and how it disrupts, but what is being ignored is the children's laughter and kids having fun and if the ramps are taken away so will the children's laughter and fun. Sports are moving in a different direction now. A lot of kids do like skateboarding and BMXing and as time moves on the City should progress as well and try to adapt to new things that kids like.

Mayor Parrott asked Mr. Nyquist if the City limited the size of ramps in the neighborhoods and built a ramp in a park owned by the City, a public/private venture, would this be adequate enough for the bikers?

Mr. Nyquist replied as long as the square footage was adequate enough for something to be built that was safe for the professional riders to ride on. I think the City could probably move in that direction.

Mayor Parrott then asked if the City had a sufficient ramp in a park would the riders still need a ramp in their backyard.

Mr. Nyquist replied that he would not say he would not need it. It is always nice to have something in your backyard. Mr. Nyquist stated that if there was a professional baseball player with a batting cage in his backyard, he did not think too many people would have a problem with that. The Tuckahoe ramp is huge and massive. To build something like that does take funds and he did not think there were a lot of people who were going to build too many more ramps that size.

Mayor Parrott stated that there were a lot of people in Greenville who have talked about wanting to build something in a park for the bikers. Would that be adequate for the bikers?

Mr. Nyquist replied that it would definitely help the issue to have a bigger park with a competition style course.

Mayor Parrott stated that the BMX riders are very important to Greenville and the City Council appreciates their living here, but the Council has to make the neighborhoods livable as well.

Council Member Dunn stated that what has happened is not staff's fault or anyone else's fault. The problem is the location of where the facilities are located. The City's policy needs to be a policy that will be applicable citywide. One ramp is not what is being talked about, and Council cannot make a policy guessing that there will not be many other people to build such a facility. It is a question of where the ramps are built and what is appropriate in neighborhoods. The question for Council is what is good public policy for all of Greenville. The City Council wants to support the bikers, but there has to be a policy that preserves the quality of life in the neighborhoods.

Council Member Little asked how the policy would be applied when the City takes in involuntary annexation areas that may have existing bike ramps that are not in accordance with the City's zoning ordinances.

City Attorney Holec replied that zoning ordinances apply to the extraterritorial jurisdiction area, so the ordinances would already apply to those areas. Once anything comes into the City, then this ordinance would also apply and it would be as of the time the annexation comes in that the amortization period would start.

It was the consensus of the Council to discuss the issue of the amortization schedule and the City's paying a portion of the cost for taking down the ramp at 215 Tuckahoe Drive at a later date.

There being no further comments, the public hearing was closed.

It was the consensus of the City Council for Mr. Boyd Lee, Director of Recreation and Parks to meet with the BMX bikers and appoint a committee to study the construction of a professional ramp in one of the City's parks and bring back a report to the City Council.

Mayor Pro-Tem Miller stated that based on the City Attorney's previous memo the property received through the FEMA Flood Buy Out Program would allow for this sort of structure if there were a desire from any of the professional bike riders or amateurs. Staff could certainly look at the possibility of leasing the land to utilize it.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance which was Option 3 amending the residential accessory zoning regulations to include a definition for "sports ramp", associated maximum dimensional standards, and an amortization (removal) requirement for nonconforming sports ramps. Option 3 restricts the size to 500 square feet (including all areas 6 inches or more above grade), 10-foot maximum height above grade, and a 12-month amortization requirement. Motion carried unanimously. (Ordinance No. 04-95)

ORDINANCE REQUESTED BY TRUST SERVICES, INC. AMENDING DEFINITION OF “RESTAURANT, CONVENTIONAL” AND “RESTAURANT, FAST FOOD” TO ALLOW EITHER DRIVE-THRU SERVICE OR OVER-THE-COUNTER SERVICE, BUT NOT BOTH, AS A PERMITTED OPERATIONAL PROCESS OR CHARACTERISTIC OF A CONVENTIONAL RESTAURANT - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and 9, 2004 setting this time, date and place for a public hearing to consider a request by Trust Services, Inc. amending the definition of “restaurant, conventional” and “restaurant, fast food” to allow either drive-thru service or over-the-counter service, but not both, as a permitted operational process or characteristic of a conventional restaurant. At its July 20, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Hamilton stated that in April 2003 the table of uses was amended to allow fast food restaurants (including over-the-counter and drive-thru) as a permitted use in all commercial and industrial districts with the exception of CN (Neighborhood Commercial). CN currently allows conventional restaurants as a permitted use and fast food as a special use. The OR, MO and MS districts require special use permits for all restaurants. This amendment will have no effect on the OR or the medical district zoning. Special use permits will be required for all restaurants in those areas. The 2003 amendment effectively eliminated the regulatory distinction between conventional and fast food restaurants in all districts with the exception of CN. Within the CN district, under the proposed ordinance, if a restaurant has one of the attributes that is currently assigned as fast food, but does not include both, it would not be considered as a fast food restaurant. On the proposed ordinance a conventional restaurant must have a sit-down dining area, bus-boy services, food attendant table delivery service (unless over the counter service is provided), may have carry-out and/or off site delivery services, serve food in disposable containers and have either a drive-thru or over-the-counter service but not both and cannot have drive-in attendant services. Under the current rule if a restaurant has a drive-thru, over-the-counter service, a drive-in or does not provide busboy services, the restaurant is considered a fast food restaurant. Under the proposed definition a restaurant can have drive-thru or counter service as part of a conventional restaurant business. When the City Code was amended in 2003, it effectively eliminated the special use permit required for restaurants. Restaurants which utilize either drive-thru or over-the-counter service will in the majority of cases continue to offer both operations service and/or not provide tables services which will, in either case, ensure continued regulation under fast food standards. The proposed amendment will have a very limited effect.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Phil Dixon, representing Trust Services, Inc., spoke on behalf of the request. Mr. Dixon stated that there were plans to establish a Zaxby’s Restaurant on Stantonsburg Road and Allen Road. The restaurant has waiters and waitresses that deliver the food to the table, food attendants that service customers throughout the meal, and bus-boys to bus the tables. 85% of Zaxby’s items on the menu are cooked to order. Zaxby’s also has a unique feature where the public can pick up food from a drive-thru window. Approximately 15% of Zaxby’s food is planned to be picked up by people coming in at lunchtime or at the end of the day. Zaxby’s is no different than an Outback Steakhouse or a Mayflower where the public has an option to drive

up, pick up food and leave except that Zaxby's makes it a little more convenient with a drive-thru window. Mr. Dixon further stated that the restaurant would not serve alcohol.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinance amending the definition of "restaurant, conventional" and "restaurant, fast food" to allow either drive-thru service or over-the-counter service, but not both, as a permitted operational process or characteristic of a conventional restaurant. Motion carried unanimously. (Ordinance No. 04-96).

ORDINANCE GRANTING TAXICAB FRANCHISE TO STACEY ANN ANDERSON D/B/A FAITH TAXICAB SERVICE - ADOPTED ON SECOND READING

City Attorney Holec stated that notice of public hearing was advertised in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing and second reading of an ordinance establishing a taxicab franchise for Stacey Ann Anderson d/b/a Faith Taxicab Service. The first reading of the ordinance was on August 9, 2004. Notices were mailed to all taxicab and limousine franchisees on July 27, 2004. Staff recommends approval of the request.

City Attorney Holec stated that Ms. Stacey Ann Anderson d/b/a Goodness and Grace was granted a limousine franchise at the June 20, 2004 City Council meeting but did not begin operations and did not have her vehicle inspected. Ms. Anderson realized that a taxicab franchise was more appropriate for what she intended to do and has asked that the limousine franchise be rescinded and that she be granted a taxicab franchise under the name of Faith Taxicab Service. Staff does not have any objection to the request.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to approve on second reading the ordinance granting a taxi franchise to Stacey Ann Anderson d/b/a Faith Taxicab Service. Motion carried unanimously. (Ordinance No. 04-97)

ORDINANCE GRANTING TAXICAB FRANCHISE TO CALVIN SAMPSON D/B/A COMFORT CAB SERVICE - ADOPTED ON SECOND READING

City Attorney Holec stated that notice of public hearing was advertised in The Daily Reflector on August 2, 2004 setting this time, date and place for a public hearing and second reading of an ordinance establishing a taxicab franchise for Calvin Sampson d/b/a Comfort Cab Service. The first reading of the ordinance was on August 9, 2004. Notices were mailed to all taxicab and limousine franchisees on July 27, 2004. Staff recommends approval of the request.

City Attorney Holec stated that Mr. Sampson received a taxicab franchise for one taxicab at the May 13, 2004 City Council meeting. The City Code states that if the operation has not begun within 60 days, the franchise is null and void and the applicant would have to come before Council and have the franchise approved again. Mr. Sampson did not begin operation within the

60 days time frame but does want to proceed again. He is now applying for a franchise for two taxicabs and plans to begin operations within 60 days. Staff does not have any objections to the request.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Miller and seconded by Council Member Glover to approve on second reading the ordinance granting a taxi franchise for two taxicabs to Calvin Sampson d/b/a Comfort Cab Service. Motion carried unanimously. (Ordinance No. 04-98)

RESOLUTION FOR DISPOSAL OF LOTS 2, 3, 4, 5, 6, 11, 16, 18, 21, 31, AND 59 IN COUNTRYSIDE ESTATES SUBDIVISION TO RAYMOND CARNEY CONSTRUCTION FOR CONSTRUCTION OF HOUSING - ADOPTED

City Manager Marvin Davis reported that a notice of public hearing was published in The Daily Reflector on August 2 and August 9, 2004 setting this time, date and place for a public hearing to consider the ordinance for disposal of Lots 2, 3, 4, 5, 6, 11, 16, 18, 21, 31, and 59 in Countryside Estates Subdivision to Raymond Carney Construction for the construction of housing.

Mr. Flood informed the Council that 24 lots were put out for bid in July 2004 to get proposals from additional builders. Mr. Raymond Carney has requested that 11 of the 24 lots be sold to him with an acceptable development plan with construction cost at \$68.00 per square foot. Mr. Carney has requested lots 2,3,4,5,6,11,16,18, 21, 31, and 59 to be added on so construction can continue in the subdivision. The average sales price of the homes in Countryside has been \$92,000 and the average homeowner gets some form of financial assistance through the City's Affordable Housing Programs. In addition, the homes are selling between 4% and 9% less than the appraised value so people are walking into a home with instant equity. Staff would tender this request for the award of these lots with an acceptable development plan to continue construction in the subdivision for first time, low and moderate income, homebuyers, and flood survivors in this subdivision.

Council Member Little asked how many lots would be left remaining and available for purchase.

Mr. Flood replied that 13 lots would be left.

Council Member Little asked if Mr. Carney was the only builder presently in Countryside.

Mr. Flood replied that there have been five builders over the course of the project. There are two other builders in addition to Mr. Carney that are presently building in the subdivision. Mr. Carney would not be the only contractor, but he is the majority of the builders in the subdivision.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the resolution for disposal of Lots 2, 3, 4, 5, 6, 11, 16, 18, 21, 31, and 59 in Countryside

Estates Subdivision to Raymond Carney Construction for the construction of housing. Motion carried unanimously. (Resolution No. 04-36)

RESOLUTION SUPPORTING GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT APPLICATION - ADOPTED

Police Chief Joseph Simonowich stated that in June 2004 he traveled with Sergeant P. W. Worthington to Raleigh, North Carolina to the Governor's Highway Safety office for an audit of the Greenville Police Department. At that time Chief Simonowich talked with the Director of the Program and was informed that because of the Greenville Police Department's continued support of and participation in the Governor's Highway Safety Program over the last 9 years that Greenville is in a position to receive a substantial three-year grant award. Sergeant Worthington presently serves as Traffic Safety Unit Supervisor on the North Carolina Governor's Highway Safety Program and serves as the Regional Law Enforcement Liaison for that program. Sgt. Worthington represents Region 1-B, which encompasses nine counties including Pitt County. Because Sgt. Worthington is in that position, Greenville receives \$10,000 a year automatically from the Governor's Highway Safety Program for equipment and training in Greenville. This Governor's Highway Safety Program grant will allow the City to hire four police officers and will pay for the officer's equipment, benefits and salaries for the first year. The grant will allow Greenville to purchase 2 motorcycles, 2 police cars, and all the equipment on those vehicles including radios, radars, fast car systems, computer systems, a radar trailer, and travel and training for the four officers. If the Council chooses to approve the grant application, it will allow the Police Department to participate in the program to reduce aggressive, intimidating and impaired driving in the City of Greenville. The City's traffic situation is one of the biggest issues in the City, and it continues to get worse. Aggressive driving and impaired driving continues to be factors that need to be addressed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the resolution authorizing an application contract with the North Carolina Governor's Highway Safety Program for the Reduce Aggressive, Intimidating, & Impaired Driving (R.A.I.I.D.) Project. Motion carried unanimously. (Resolution No. 04-37)

ORDINANCE AMENDING FY 2004-05 BUDGET ORDINANCE AND A RESOLUTION AUTHORIZING LEASE PURCHASE FINANCING OF EQUIPMENT - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinances amending the 2004-2005 Budget Ordinance and the resolution authorizing RBC Centura to provide lease purchase financing of equipment for a 59-month period. Motion carried unanimously. (Ordinance No. 04-99, Resolution No. 04-38)

PRESENTATION REGARDING MODIFICATION OF SOLID WASTE COLLECTION SERVICES INCLUDING REFUSE, RECYCLING, AND BULKY TRASH

Thomas N. Tysinger, Jr., Director of Public Works, stated that the City of Greenville has grown tremendously over the last 10 years and in order to meet that growth, the City needs to make some adjustments in how solid waste services are collected. Beginning the week of August 23, 2004 a new system will service each residence for refuse, recycling, and bulky trash on the same day of the week. This is different than what is presently being done. The City has been divided in quadrants that are equal in size based on the number of residents. All crews will focus on each section on the same day and crews will work the quadrant until they are finished. This will be a more efficient service and easier for the citizens to remember. In developing the system, staff has taken into consideration projections for growth over the next 5-10 years. Multi-family complexes will receive their bulky trash collection all on the same day of the week, which will be Wednesday. That is the off day for other services. Public Works plans to notify citizens of their day of service by a direct mailing that will go out on August 13, 2004 and will be placing door hangers on all homes the week of August 17-20, 2004. Information about the new system will be placed in the City Page and on the Government Access Channel, and a press release will also go out. During the weeks following start-up of the new system, staff will have in place a system to assist citizens that overlook the change in their day of service.

Upon being asked how holidays would be handled, Mr. Tysinger replied that staff would handle it the way it has always been handled. Public Works does not have routes every 5 days of the week and adjustments would be made to handle the extra load.

Upon being asked the fees for garbage collection, Mr. Tysinger replied that presently the fees are \$8.00 per month for front-yard service and \$17.00 a month for backyard service. There is not a proposed fee change.

Upon being asked if different containers would be used and if there would be three crews or one crew, Mr. Tysinger replied that different containers would still be used and there would be 3 different crews because the different items that are collected all go to different places such as the landfill, materials recovery facility, and a construction debris landfill.

SUMMARY OF 2004 LEGISLATIVE ACTION

City Attorney Holec reported on the results of the legislative initiatives approved by Council.

ORDINANCE AMENDING THE DEFINITION OF JUNKED MOTOR VEHICLES - ADOPTED

City Attorney Holec stated that a local bill has been ratified and is Session Law 2004-30. The Towns of Waynesville and Henderson tacked onto the bill after it was introduced because they wanted the same benefits that the legislation provides. The bill amends the definition of a junked motor vehicle, which may be made subject to the junk vehicle ordinance of the City so that vehicles having a value of less than \$500 (previously \$100) are subject to this ordinance.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance amending the definition of junked motor vehicles. Motion carried unanimously. (Ordinance No. 04-100)

RESOLUTION IN SUPPORT OF AMENDMENT ONE: SELF-FINANCING BONDS: A LOCAL ECONOMIC DEVELOPMENT TOOL TO CREATE QUALITY JOBS, REVITALIZE COMMUNITIES, AND ATTRACT NEW ECONOMIC OPPORTUNITIES IN NORTH CAROLINA - ADOPTED

City Manager Davis stated that Amendment One is a constitutional amendment that is coming up on the November 2, 2004 ballot. This is also an amendment that has the endorsement of many different groups including the North Carolina League of Municipalities and the North Carolina Association of County Commissioners. The amendment gives one more tool for cities and counties to have economic development projects put forward. Incremental or improved value of a property can be used as the income streams down the road to pay for public improvements associated with that. An example might be the downtown project, where streetscapes or benches or improved lighting needs to occur. Where there is an existing structure and improved value, the improved value can be dedicated for paying the debt off for those improvements. It is a limitation on how much can be done citywide, there is limitation on the type of uses, and with any debt in North Carolina it has to be approved by the Local Government Commission. The Local Government Commission is very conservative and will ensure that certain criteria is met. North Carolina is only one of two other states in the United States that does not have this legislation, and it puts North Carolina at a disadvantage compared to other states. This resolution has been adopted by some of Greenville's sister municipalities in Pitt County including Grifton, Ayden and Farmville.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution in support of Amendment One: Self-Financing Bonds: A Local Economic Development Tool to Create Quality Jobs, Revitalize Communities, and Attract New Economic Opportunities in North Carolina. Motion carried unanimously. (Resolution No. 04-39)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION SEWER CAPITAL PROJECTS BUDGET FOR THE WASTEWATER TREATMENT PLANT BIOSOLIDS DEWATERING FACILITY - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance amending the Greenville Utilities Commission Sewer Capital Projects Budget for the Wastewater Treatment Plant Biosolids Dewatering Facility. Motion carried unanimously. (Ordinance No. 04-101)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION ELECTRIC CAPITAL PROJECTS BUDGET FOR THE NEW GUC ADMINISTRATIVE FACILITIES PROJECT - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance amending the Greenville Utilities Commission Electric Capital Projects Budget for

the New GUC Administrative Facilities Project. Motion carried unanimously. (Ordinance No. 04-102)

CONSIDERATION OF PURCHASE OF REAL PROPERTY AS PART OF THE SOUTH TAR RIVER GREENWAY - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve the purchase of (1) the John Alexander Speight Estate and Heirs Tract of approximately 20 acres at a value of \$22,000 and (2) the SCARAB Properties Dimension, LLC Tract of approximately 12 acres at a value of \$5,400.

REPORT ON BIDS AWARDED

City Manager Davis referred the Council to bids that had been awarded as follows:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
6/25/04	Video Teleconferencing System	Blue Water Communications	\$161,411
6/30/04	Demolition of Structures at 306 S. Greene St. and 2603 Green Springs Dr.	Smith Contracting	\$ 39,998
6/30/04	Traffic Signal Construction Work	ALS of North Carolina	\$ 17,535
	Replace Traffic Signal Loops		
6/30/04	Automated Bus Wash System	FSI/Fleetwash Services	\$136,602
6/30/04	Replace Fleet Maintenance Floor System	McCord Contractors, Inc.	\$ 25,750
7/28/04	Turn Out Gear for Fire/Rescue	Emergency Apparatus Design	\$ 38,885

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Recognition of Community Appearance Commission Awards

Council Member Craft as liaison of the Community Appearance Commission announced the winners for June as follows: Summer Moore Children's Center on Greenville Boulevard, Chick-Fil-A on Evans Street and Green Mill Run Greenway. The July recipients are River Park North on Mumford Road, Lynndale Shoppes on Red Banks Road and Colonial Mall on Greenville Boulevard.

Council Member Council stated that the Greenville Convention and Visitors Bureau went to Raleigh this morning to meet with the North Carolina League of Municipalities, and Greenville received the vote to host the 2009 North Carolina League of Municipalities Convention. Also, the September edition of Ebony Magazine lists the Greenville-Pitt County Convention and Visitors Bureau and talks about the impact that black family reunions bring into Greenville. Ms. Council informed the Council that the Korean Church will be having a ribbon cutting for their new church on Sunday morning at 8:00 a.m., and the Community Christian Church will also have a groundbreaking service on Sunday. Dr. Isaac A. Artis, a local physician, is having a health fair on August 25, 9:00 a.m. to 4:00 p.m. at his office located at 80 Howell Street and will

be giving free screenings and other services such as bladder screening, depression screening, identifying migraine headaches, blood pressure checks, sickle cell and much more. Council Member Council invited everyone to take advantage of these services. Council Member Council reminded everyone to get out and vote on the run-off between Willingham and Jenkins that will be held in the Old Prep Shirt building across the river.

ECU's Support of International Festival and Comments by ECU SGA President

Council Member Dunn requested that Council look at a multi-year agreement with ECU to do the International Festival and also requested the possibility of East Carolina University's SGA President making comments at the City Council meetings.

Motion was made by Council Member Dunn and seconded by Council Member Craft to add consideration of a multi-year agreement with East Carolina University to do the International Festival and inviting East Carolina University's SGA President to give comments at the City Council Meetings to the September agenda. Motion carried unanimously.

CITY MANAGER'S REPORT

Discussion of the Third Meeting of the Month – August 23

City Manager Davis stated that the August 23, 2004 City Council Meeting would be a public hearing on the City's general obligation bonds and that is a statutory requirement. The meeting is at 6:00.

Potential Use of Army Reserve Building on Memorial Drive

City Manager Davis stated that staff has been contacted by the United States Army about the possibility of the Army Reserve building being reused. City staff has had an opportunity to look at the building and believe that it has good potential for a recreation center and maintenance area. If Council is interested in staff looking at this further, there will need to be further discussion with other parties, primarily Pitt County and the Airport. If it is not Council's interest, then staff does not need to carry this any further. The building is in good shape, and there may be some limitations for holding the property for a certain holding period.

Mayor Pro Tem Miller stated that he thought the staff should be authorized to have discussion with the County and Airport and see who needs the facility the most.

Collapse of Roof at Keel Warehouse (City has 2/3 interest in this property)

City Manager Davis stated that the area at Keel Warehouse that has collapsed has been condemned. Staff is in the process of receiving bids on the removal of the part that has collapsed.

Feasibility Analysis of River Hills Area Annexation

This is an item that was brought up and mentioned previously at Monday's meeting. This is something that has been briefly touched on by Greenville Utilities Commission at their board meeting. Staff is putting this item on the agenda to let Council know that it warrants further looking into, in terms of analysis, to see if this might be feasible for the City and Greenville Utilities Commission as a potential annexation area. Greenville Utilities Commission would look from a sewer feasibility analysis, and City staff would look from an annexation analysis under state law.

Mayor Pro-Tem Miller asked if the City could advertise the City property beside River Hills to see what other interest there might be.

City Attorney Holec stated that he would need to prepare a resolution if Council desires to advertise the property.

Motion was made by Council Member Craft and seconded by Council Member Council to place the disposition of City property (formerly the Speight property) adjacent to River Hills on the September 9, 2004 Agenda for discussion. Motion carried unanimously.

Communication to City Council During a Hurricane

City Manager Davis informed the Council that if a hurricane comes through there will be a number that Council can call to receive updates as has been done in the past.

CLOSED SESSION

Motion was made by Council Member Craft and seconded by Council Member Council to go into closed session (1) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease and (2) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Council to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Council to adjourn the meeting at 11:10 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg, CMC
Deputy City Clerk